

SCOTUS 'Attacks' Paul Weiss Partner in Copyright Damages Case

Thursday, February 22, 2024

Samuel Lewis was quoted in a *Managing IP* article discussing the U.S. Supreme Court's doubt about copyright damages brought up in oral arguments in *Warner Chappell Music v Sherman Nealy*. U.S. copyright infringement laws state that plaintiffs must file suit within three years of infringement occurring; however, the "discovery rule" allows plaintiffs to sue after three years if they didn't know about the infringement and shouldn't have reasonably known. Warner asked SCOTUS to determine whether the discovery rule could be applied in copyright disputes, which left many justices and other attorneys unhappy with how Warner approached the issue and questioning whether the case should be sent back to the lower courts.

If the case were to be dismissed, SCOTUS could signal that the court intends to grant cert *in Hearst Newspapers v Antonio Martinelli*. Sam agrees that this could occur and believes the court could consolidate the cases for purposes of their opinion. He warns, "There's always a danger in trying to predict the outcome by looking at the oral argument." Sam believes that SCOTUS could limit the scope of its opinion to copyright ownership disputes, but it is difficult to determine which path the court will choose.

Related Practice Areas

- Copyright & Content
- Intellectual Property